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5 **IN THE UNITED STATES DISTRICT COURT**
6

7 **DISTRICT OF NEVADA**

8 NOAH-LAS VEGAS FOUNDATION) CASE NO. 2:11-cv-00692-GMN-GWF
9 CORPORATION, et al.,)
10 vs. Plaintiffs,)
11 WELLS FARGO BANK, N.A., a national) **ORDER GRANTING MOTION TO**
12 banking association, et al.,) **DISMISS FILED BY MIDLAND**
13 Defendants) **MORTGAGE CO.**
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Defendant, Midland Mortgage Co. filed a Motion to Dismiss Plaintiffs' Complaint pursuant to FRCP 12(b)(6) on July 15, 2011 (Docket No. 74). The Docket Report indicates that a Response to the Motion to Dismiss was due by August 1, 2011. No Response has been filed.

The Court having considered the moving papers, its own files, and good cause appearing, rules as follows:

1. Pursuant to Local Rule 7-2(b), any Response and/or Opposition to the Motion to Dismiss was required to be filed with the Court and served within fourteen days after service of the motion. No Response and/or Opposition has been filed by the Plaintiffs regarding this matter. Pursuant to Local Rule 7-2(d), the failure of an opposing party to file Points and Authorities in response to any Motion shall constitute consent to the granting of the motion.

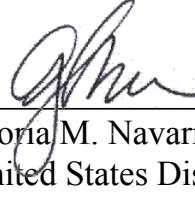
2. The Court may grant the Motion to Dismiss for failure to follow local rules. *Ghazali v. Moran*, 46 F.3d 52 (9th Cir. 1995). Before dismissing the action, the district court is required to weigh several factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy

1 favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions.
2 The Court has considered these factors and finds that Plaintiffs have received notice and have
3 been given ample time to respond.

4 IT IS THEREFORE ORDERED, that based on the foregoing, the Motion to Dismiss is
5 GRANTED and Defendant, Midland Mortgage Co. is hereby dismissed with prejudice.

6 IT IS FURTHER ORDERED that any lis pendens affecting the property located at
7 10975 Paradise Rd., Henderson, Nevada (APN 177-34-713-034) and recorded by Plaintiffs in the
8 public records of Clark County, Nevada is hereby expunged and shall have no further force or
9 effect.

10 **IT IS SO ORDERED** this 25th day of August, 2011.

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12 _____
13 Gloria M. Navarro
14 United States District Judge